

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROMEO and BELEN PINZON,  
Plaintiffs,  
v.  
BANK OF AMERICA, N.A., et al.,  
Defendants.

NO. C10-00328 TEH  
ORDER DISMISSING  
CASE WITH PREJUDICE


This action was dismissed without prejudice in an order dated May 4, 2010, after counsel for Plaintiffs Romeo and Belen Pinzon ("Plaintiffs") conceded that their complaint was insufficient to withstand Defendants' motions to dismiss. The Court granted Plaintiffs until June 3, 2010, to file an amended complaint. Plaintiffs failed to do so by that deadline.

Defendant J.P. Morgan Chase Bank, N.A. ("JPMorgan") filed a second motion to dismiss on June 14, 2010, asking the Court to dismiss this action with prejudice based on Plaintiffs' failure to file an amended complaint. On June 16, 2010, the Court ordered Plaintiffs to file an opposition no later than June 28, 2010. The Court advised that, if no opposition was filed by that date, this matter would be dismissed with prejudice for failure to prosecute. Defendants CTX Mortgage Co., LLC and Centex Homes filed their own motion to dismiss for failure to prosecute on June 24, 2010.

Plaintiffs have not filed an opposition to JPMorgan's motion to dismiss, nor have they filed an amended complaint. Therefore, for good cause appearing, this action is DISMISSED WITH PREJUDICE as to all Defendants for failure to prosecute. The Clerk shall close the file.

**IT IS SO ORDERED.**

Dated: 6/30/10

  
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THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT